

Serial No. 10/071,196

Amendment Dated: December 18, 2008

Reply to Office Action Mailed: September 18, 2008

Attorney Docket No. 010482.50912

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1, 4, 7, 8 and 14-16 are now pending, wherein claims 4, 7 and 8 are amended, claims 2, 3, 5, 6, and 9-13 are canceled and claims 14-16 are new.

Claims 1, 5, 7, 8 and 13 are rejected for obviousness in view of the combination of U.S. Patent No. US 6,530,083 to Liebenow (“Liebenow”) and U.S. Patent No. 5,031,045 to Kawasaki (“Kawasaki”). Claims 2 and 6 are rejected for obviousness in view of the combination of Liebenow, Kawasaki and U.S. Patent No. 6,177,931 to Alexander et al. (“Alexander”). Claims 3 and 11 are rejected for obviousness in view of the combination of Liebenow, Kawasaki and U.S. Patent No. 5,644,354 to Thompson et al. (“Thompson”). Claims 4 and 12 are rejected for obviousness in view of the combination of Liebenow and U.S. Patent No. 7,149,969 to Thrane (“Thrane”). Claim 9 is rejected for obviousness in view of the combination of Liebenow, Kawasaki, Alexander and Thrane. Claim 10 is rejected for obviousness in view of the combination of Liebenow, Thompson and Thrane. These grounds of rejection are respectfully traversed.

The combination of Liebenow and Kawasaki does not render Applicants' claim 1 obvious because the combination does not disclose or suggest:

1. comparing **a number of a numeral inputting key** to a channel number stored in memory; and
2. selecting an operation mode that **corresponds to the selection number** when the numeral inputting key does not coincide with the channel number stored in memory.¹

The rejection of claim 1 relies upon the switches labeled "USER 1", "USER 2", etc. of Liebenow as corresponding to the claimed numeral inputting key. As previously discussed, these switches relate to selection of individual user preferences, and accordingly, there would be no reason that the values corresponding to these switches would be compared "with a channel number stored the memory to determine whether the [*the value corresponding to the switch*] coincides with the channel number stored in memory."

The Office Action recognizes that Liebenow does not compare the values corresponding to the user preference switches with stored channel numbers, and instead relies upon Kawasaki's general disclosure that a CATV terminal will compare channel numbers entered by a remote control to channel numbers stored in a memory to remedy this deficiency of Liebenow. However, Kawasaki does not disclose or suggest that user preference selection switches should be compared stored channel numbers. Accordingly, even if one skilled in the art

¹ Emphasis added.

were motivated to combine Liebenow and Kawasaki the combination would at most disclose:

1. comparing user preference selections with stored user preference selections (as disclosed by Liebenow); and
2. comparing channel number selections with stored channel numbers (as disclosed by Kawasaki).

It appears that the rejection does not account for the fact that in Applicants' claim 1 the number of the numeral inputting key is both:

1. compared to a channel number stored in memory; and
2. used to select an operation mode.

Liebenow and Kawasaki both do not disclose or suggest that any value is **both** compared to a channel number stored in memory and used for operation mode selection. Specifically, there is no disclosure or suggestion in Liebenow or Kawasaki that the user selection switches of Liebenow should be compared to channel numbers or that the channel numbers of Kawasaki should be used for operation mode selection. Accordingly, the combination of Liebenow and Kawasaki does not render claim 1 obvious.

Claims 4, 7 and 8 are patentably distinguishable over the current grounds of rejection at least by virtue of their dependency.

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The cancellation of claims 2, 3, 5, 6 and 9-13 renders the rejection of these claims moot. Accordingly, it is respectfully requested that the current grounds of rejection be withdrawn.

New claims 14-16 recite similar elements to those discussed above with regard to claim 1, and are patentably distinguishable over the current grounds of rejection for similar reasons.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned. If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #010482.50912).

Respectfully submitted,

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